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DEPARTMENT OF THE TREASURY
UNITED STATES CUSTOMS SERVICE

19 CFR Part 12

(T.D. 83-)

WITHHOLDING OF RELEASE OF MERCHANDISE FROM SOVIET UNION WHICH MAY BE PRODUCED BY CONVICT, FORCED, OR INDENTURED LABOR

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of Withholding of Release of Merchandise.

SUMMARY: This document advises that based on available information, the Commissioner of Customs has made a finding which indicates that certain articles imported in the United States from the Soviet Union may be produced, whether by mining, manufacture, or other means, with the use of convict labor, forced labor, or indentured labor under penal sanctions. Because such merchandise is being, or is likely to be, imported into the United States in violation of the Tariff Act of 1930 and the Customs Regulations, the release from Customs custody for importation of any of the specified articles is being withheld pending a final determination on this issue.

DATE: This withholding shall take effect on (5 days after date of publication in the Federal Register).

FOR FURTHER INFORMATION CONTACT:

John P. Simpson, Director, Office of Regulations and Rulings, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202) 566-2507.

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SUPPLEMENTARY INFORMATION:

BACKGROUND

Section 307, Tariff Act of 1930 (19 U.S.C. 1307), provides, in part, that "all goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part in any foreign country by convict labor or/and forced labor or/and indentured labor under penal sanctions shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision."

"Forced labor", as used in 19 U.S.C. 1307, is defined to "mean all work or service which is exacted from any person under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily."

Based upon 19 U.S.C. 1307, section 12.42, Customs Regulations (19 CFR 12.42), sets forth a procedure for the Commissioner of Customs to make a finding that an article is being, or is likely to be, imported into the United States which is being produced, whether by mining, manufacture, or other means, in any foreign locality with the use of convict labor, forced labor, or indentured labor under penal sanctions so as to come within the purview of 19 U.S.C. 1307.

Paragraph (e) of section 12.42, Customs Regulations, provides that if the Commissioner of Customs finds at any time that information available, reasonably but not

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conclusively, indicates that merchandise within the purview of 19 U.S.C. 1307 is being, or likely to be, imported, he will promptly advise all district directors of Customs accordingly and the district directors shall withhold release of the merchandise from Customs custody pending instructions as to whether the merchandise may be released otherwise than for exportation.

FINDING

Pursuant to section 12.42(e), Customs Regulations, information available reasonably, but not conclusively, indicates that certain articles of the Soviet Union are being, or are likely to be imported into the United States, which are being produced, whether by mining, manufacture, or other means, with the use of convict, forced, or indentured labor. Accordingly, on and after (5 days after the date of publication in the Federal Register) the release from Customs' custody for consumption or withdrawal from warehouse for consumption of the following articles from the Soviet Union shall be withheld:

Articles	Item Number from Tariff Schedules (19 U.S.C. 1202)
Lumber	202.02-202.66
Furniture	727.11-727.55
Clock Cases (Wood)	720.34
Radio-TV Cabinets	685.18, 685.29, 685.36
Chess Pieces (Wood)	734.15
Wooden Souvenirs	207.00
Wooden Crates	204.10-204.30
Cardboard Boxes	256.48-256.54
Cathode Ray Tubes and Components	687.35-687.54

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Resistors	686.10
Camera Lenses	708.03,708.23
Glassware including Chandeliers	Schedule 5, Part 3, Subpart C- Item 545.11- 548.05
Auto Parts	692.32) Note-Because of
	) General Headnote 10
Wheel Rims	692.32) (i-j) parts are
	) entered through-
	) out the
Agricultural Parts	666.00) TSUS, mainly in
	)Schedule 6
Gold Ores	601.39
Iron Ore and Maganese Ore	601.24, 601.27
Bauxite	601.06
Uranium Ore	601.57
Coal Lignite	521.31
Asbestos	518.11
Limestone Crushed	513.35-513.26
Construction Stone	513.61-515.54
Gravel	513.14
Men's-Boy's Ornamented Coats-Cotton	379.02, 379.06, 379.08
" " " " -Wool	379.13, 379.17
" " " " -Man Made fibers	379.23, 379, 31, 379.33
" " " " -Other	379.35
" " Not Orna- mented -Cotton	379.39, 379.43-379.46
" " " " -Vegetable fibers ex- cept cotton	379.66, 379.69
" " " " -Wool	379.71, 379.75, 379.78, 379.81, 379.83
" " " " -Silk	379.86, 379.87

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" " " "	-Man-made fibers	379.89, 379.94, 379.95
Women's-Girl's Ornamented Coats		
" " " "	-Cotton	383.02, 383.05
" " " "	-Wool	383.12, 383.15
" " " "	-Man-made fibers	383.19, 383.22
" " " "	-Other	383.25
Not Ornamented Coats		
" " " "	-Cotton	383.28, 383.32-383.34
" " " "	-Vegetable fibers except cotton	383.52, 383.53
" " " "	-Wool	383.57, 383.62, 383.65, 383.68, 383.72
" " " "	-Silk	383.77, 383.78
" " " "	-Man-made fibers	383.81, 383.88, 383.90
Gloves		704.05-705.90

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Boots	Schedule 7, Part 1, Sub-part A - Item 700.10-700.71
Buttons	745.04-745.42
Zippers (Slide Fasteners)	745.70-745.74
Chemicals	Schedule 4 - Item 401-02-407.16, 415.05-432.25
Petroleum	475.05-475.70
Tea	160.50
Brick & Tile	532.11-532.61
Watch Parts	720.20-720.30, 720.60, 720.65, 720.70, 720.75, 720.90
Fencing (Metal Wire)	642.35-642.87, 642.02
Mattresses	727.82-727.86
Screening	642.35-642.87
Drums-Barrels	640.20-640.30
Lids, of steel, for glass jars	657.25
Plumbing Equipment	Various
Storage Battery Cases	683.07
Concrete Products	511.31-511.71
Electric Plugs	685.90
Electric Cords	688.04, 688.25
Electric Heaters	684.40, 684.20
Electric Motors and Parts	682.20-682.60
Pumps	660.97
Bags of Textile Materials	385.45-385.55

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Based upon this finding, Customs officers shall withhold release of any of these articles from the Soviet Union pending instructions as to whether they may be released otherwise than for exportation.

This withholding shall remain in force pending a final determination as to whether the merchandise listed in this notice is subject to 19 U.S.C. 1307.

(Signed) William von Raab

Dated: Commissioner of Customs

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l in the space designated "Re-:ks" in lieu of on Form 3291.

)) Films exposed abroad by a for-ı concern or individual shall be pre-ved by a qualified employee of the itoms Service before release. In e such films are imported as unde-)ped negatives exposed abroad, the)roximate number of feet shall be ertained by weighing before they allowed to be developed and print-and such film shall be previewed by ualified employee of the Customs vice after having been developed l printed.

:) Any objectionable film shall be ained pending instructions from adquarters, U.S. Customs Service or lecision of the court as to its final position.

c. 305, 46 Stat. 688, as amended; 19 .C. 1305)

ERCHANDISE PRODUCED BY CONVICT, FORCED, OR INDENTURED LABOR

2.42 Findings of Commissioner of Customs.

a) If any district director or other incipal Customs officer has reason believe that any class of merchan-e which is being, or is likely to be, ported into the United States is ing produced, whether by mining, nufacture, or other means, in any reign locality with the use of convict)or, forced labor, or indentured)or under penal sanctions so as to me within the purview of the first ntence of section 307, Tariff Act of 30,* he shall communicate his belief

19 U.S.C. 1307

*"All goods, wares, articles, and merchan-e mined, produced, or manufactured wholly or in part in any foreign country by nvict labor or/and forced labor or/and in-ntured labor under penal sanctions shall t be entitled to enter at any of the ports the United States, and the importation ereof is hereby prohibited, and the Secre-ry of the Treasury is authorized and di-cted to prescribe such regulations as may necessary for the enforcement of this ovision. The provisions of this section re-ting to goods, wares, articles, and mer-andise mined, produced, or manufactured forced labor or/and indentured labor, all take effect on January 1, 1932; but in case shall such provisions be applicable goods, wares, articles, or merchandise so ined, produced, or manufactured which are not mined, produced, or manufactured in such quantities in the United States as to meet the consumptive demands of the United States.

"'Forced labor,' as herein used, shall mean all work or service which is exacted from any person under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily." (Tariff Act of 1930, sec. 307; 19 U.S.C. 1307.)

to the Commissioner of Customs. Every such communication shall contain or be accompanied by a statement of substantially the same information as is required in paragraph (b) of this section, if in the possession of the district director or other officer or readily available to him.

(b) Any person outside the Customs Service who has reason to believe that merchandise produced in the circumstances mentioned in paragraph (a) of this section is being, or is likely to be, imported into the United States and, if the production is with the use of forced labor or indentured labor under penal sanctions, that merchandise of the same class is being produced in the United States in such quantities as to meet the consumptive demands of the United States may communicate his belief to any district director or the Commissioner of Customs. Every such communication shall contain, or be accompanied by, (1) a full statement of the reasons for the belief, (2) a detailed description or sample of the merchandise, and (3) all pertinent facts obtainable as to the production of the merchandise abroad. If the foreign merchandise is believed to be mined, produced, or manufactured with the use of forced labor or indentured labor under penal sanctions, such communication shall also contain (4) detailed information as to the production and consumption of the particular class of merchandise in the United States and the names and addresses of domestic producers likely to be interested in the matter.

(c) If any information filed with a district director pursuant to paragraph (b) of this section does not conform with the requirements of that paragraph, the communication shall be returned promptly to the person who submitted it with detailed written advice as to the respects in which it does not conform. If such information is found to comply with the requirements, it shall be transmitted by the district director within 10 days to the Commissioner of Customs, together with all pertinent additional information available to the district director.

(d) Upon receipt by the Commissioner of Customs of any communication submitted pursuant to paragraph (a) or (b) of this section and found to comply with the requirements of the pertinent paragraph, the Commissioner will cause such investigation to be made as appears to be warranted by the circumstances of the case and the Commissioner or his designated representative will consider any representations offered by foreign interests, importers, domestic producers, or other interested persons.

(e) If the Commissioner of Customs finds at any time that information available reasonably but not conclusively indicates that merchandise within the purview of section 307 is being, or is likely to be, imported, he will promptly advise all district directors accordingly and the district directors shall thereupon withhold release of any such merchandise pending instructions from the Commissioner as to whether the merchandise may be released otherwise than for exportation.

(f) If it is determined on the basis of the foregoing that the merchandise is subject to the provisions of the said section 307, the Commissioner of Customs, with the approval of the Secretary of the Treasury, will publish a finding to that effect in a weekly issue of the Customs Bulletin and in the FEDERAL REGISTER.

(g) Any merchandise of a class specified in a finding made under paragraph (f) of this section, which is imported directly or indirectly from the locality specifed in the findings and has not been released from Customs custody before the date of publication of such finding in the FEDERAL REGISTER shall be considered and treated as an importation prohibited by section 307, Tariff Act of 1930, unless the importer establishes by satisfactory evidence that the merchandise was not mined, produced, or manufactured in any part with the use of a class of labor specified in the finding.

(h) The following findings made under the authority of section 307, Tariff Act of 1930 are currently in effect with respect to the merchandise listed below:

Merchandise	Country	T.D.
Furniture, clothes hampers, and palm leaf bags.	Ciudad Victoria, Tamaulipas, Mexico.	53408 54725

(Sec. 307, 46 Stat. 689; 19 U.S.C. 1307)

§ 12.43 Proof of admissibility.

(a) If an importer of any article detained under § 12.42(e) or (g) desires to contend that the article was not mined, produced, or manufactured in any part with the use of a class of labor specified in section 307, Tariff Act of 1930, he shall submit to the Commissioner of Customs within 3 months after the date the article was imported a certificate of origin in the form set forth below, signed by the foreign seller or owner of the article. If the article was mined, produced, or manufactured wholly or in part in a country other than that from which it was exported to the United States, an additional certificate in such form and signed by the last owner or seller in such other country, substituting the facts of transportation from such other country for the statements with respect to shipment from the country of exportation, shall be so submitted.

CERTIFICATE OF ORIGIN

I, ————, foreign seller or owner of the merchandise hereinafter described, certify that such merchandise, consisting of ————(Quantity) of ———— (Description) in ————(Number and kind of packages) bearing the following marks and numbers ————was mined, produced, or manufactured by ————(Name) at or near ————, and was laden on board ————(Carrier to the United States) at ————(Place of lading) (Place of final departure from country of exportation) which departed from on ————; (Date); and that ————(Class of labor specified in finding) was not employed in any stage of

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: mining, production, or manufacture of
: merchandise or of any component
ereof:
)ated ————————

(Signature)

(b) The importer shall also submit to e Commissioner of Customs within ch 3-month period a statement of :e ultimate consignee of the mer- ıandise, showing in detail that he ıd made every reasonable effort to :termine the source of the merchan- se and of every component thereof ıd to ascertain the character of labor ;ed in the production of the mer- ıandise and each of its components, ıe full results of his investigation, ıd his belief with respect to the use f the class of labor specified in the nding in any stage of the production f the merchandise or of any of its omponents.

(c) If the certificate or certificates nd statements specified in para- raphs (a) and (b) of this section are ubmitted within the time prescribed nd the Commissioner finds that the nerchandise is admissible, the collec- or of customs concerned will be ad- ised to that effect, whereupon he hall release the merchandise upon ompliance with the usual entry re- uirements.

Sec. 307, 46 Stat. 689; 19 U.S.C. 1307)

§ 12.44 Disposition.

Merchandise detained pursuant to § 12.42 may be exported at any time before it is deemed to have been abandoned as hereinafter provided for. If it has not been exported within 3 months after the date of importation, the district director shall ascertain whether the proof specified in § 12.43 has been submitted within the time prescribed in that section. If the proof has not been so submitted, or if the Commissioner of Customs advises the district director that the proof furnished does not establish the admissibility of the merchandise, the district director shall promptly advise the importer in writing that the merchandise is excluded from entry. Upon the expiration of 60 days after the delivery or mailing of such advice by the district director, the merchandise shall be deemed to have been abandoned and shall be destroyed, unless it has been exported or a protest has been filed as provided for in section 514, Tariff Act of 1930.

(Sec. 307, 46 Stat. 689; 19 U.S.C. 1307)

§ 12.45 Transportation and marketing of prison-labor products.

If any apparent violation of section 1761 or 1762, title 18, United States Code,[30] with respect to any imported article comes to the attention of a district director, he shall detain the article and report the facts to the appropriate United States attorney. If the United States attorney advises the district director that action should be taken against the article, it shall be seized and held pending the receipt of further instructions from the United States attorney or the court.

[30] "(a) Whoever knowingly transports in interstate commerce or from any foreign country into the United States any goods, wares, or merchandise manufactured, produced, or mined, wholly or in part by convicts or prisoners, except convicts or prisoners on parole or probation, or in any penal or reformatory institution, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(b) This chapter shall not apply to agricultural commodities or parts for the repair of farm machinery, nor to commodities manufactured in a Federal, District of Columbia, or State institution for use by the Federal Government, or by the District of Columbia, or by any State or Political subdivision of a State." (18 U.S.C. 1761.)

"(a) All packages containing any goods, wares, or merchandise manufactured, produced, or mined wholly or in part by convicts or prisoners, except convicts or prisoners on parole or probation, or in any penal or reformatory institution, when shipped or transported in interstate or foreign commerce shall be plainly and clearly marked, so that the name and address of the shipper, the name and address of the consignee, the nature of the contents, and the name and location of the penal or reformatory institution where produced wholly or in part may be readily ascertained on an inspection of the outside of such package.

"(b) Whoever violates this section shall be fined not more than $1,000, and any goods, wares or merchandise transported in violation of this section or section 1761 of this title shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the seizure and forfeiture of property, imported into the United States contrary to law." (18 U.S.C. 1762.)

COUNTERFEIT COINS, OBLIGATIONS, AND OTHER SECURITIES; ILLUSTRATIONS OR REPRODUCTIONS OF COINS OR STAMPS

§ 12.48 Importation prohibited; exceptions to prohibition of importation; procedure.

(a) In accordance with Chapter 25, Title 18, United States Code, any token, disk, or device in the likeness or similitude of any coin of the United States or of a foreign country; counterfeits of coins in circulation in the United States; counterfeited, forged, or altered obligations or other securities of the United States[31] or of any foreign government; or plates, dies, or other apparatus which may be used in making any of the foregoing, when brought into the United States, shall be seized, and delivered to the nearest representative of the United States Secret Service, together with a report of the facts, for appropriate disposition.

(b) In accordance with section 504 of title 18, United States Code, the printing, publishing, or importation or the making or importation of the necessary plates for such printing or publishing for philatelic, numismatic, educational, historical, or newsworthy purposes in articles, books, journals, newspapers, or albums (but not for advertising purposes, except illustrations of stamps and paper money in philatelic or numismatic advertising of legitimate numismatists and dealers in stamps or publishers of or dealers in philatelic or numismatic articles, books, journals, newspapers, or albums) of black and white illustrations of canceled and uncanceled United States postage stamps shall be permitted.

(c) The importation (but not for advertising purposes except philatelic advertising) of motion-picture films, microfilms, or slides, for projection upon a screen or for use in telecasting, of postage and revenue stamps and other obligations and securities of the United States and postage and revenue stamps, notes, bonds, and other obligations or securities of any foreign government, bank, or corporation shall be permitted.

(d) Printed matter of the character described in section 504, title 18, United States Code,[32] containing re-

[31] "The term 'obligation or other security of the United States' includes all bonds, certificates of indebtedness, national bank currency, Federal Reserve notes, Federal Reserve bank notes, coupons, United States notes, Treasury notes, gold certificates, silver certificates, fractional notes, certificates of deposits, bills, checks, or drafts for money, drawn by or upon authorized officers of the United States, stamps and other representatives of value, of whatever denomination, issued under any act of Congress, and canceled United States stamps." (18 U.S.C. 8.)

[32] Notwithstanding any other provision of this chapter, the following are permitted:

(1) The printing, publishing, or importation, or the making or importation of the necessary plates for such printing or publishing, of illustrations of:

(A) Postage stamps of the United States,

(B) Revenue stamps of the United States,

(C) Any other obligation or other security of the United States, and

(D) Postage stamps, revenue stamps, notes, bonds, and any other obligation or other security of any foreign government, bank, or corporation, for philatelic, numismatic, educational, historical, or newsworthy purposes in articles, books, journals, newspapers, or albums (but not for advertising purposes, except illustrations of stamps and paper money in philatelic or numismatic advertising of legitimate numismatists and dealers in stamps or publishers of or dealers in philatelic or numismatic articles, books, journals, newspapers, or albums). Illustrations permitted by the foregoing provisions of this section shall be made in accordance with the following conditions—

(i) All illustrations shall be in black and white, except that illustrations of postage stamps issued by the United States or by any foreign government may be in color;

(ii) All illustrations (including illustrations of uncanceled postage stamps in color) shall be of a size less than three-fourths or more than one and one-half, in linear dimension of each part of any matter so illustrated which is covered by subparagraph (A), (B), (C), or (D) of this paragraph, except that black and white illustrations of postage and revenue stamps issued by the United States or by any foreign government and colored illustrations of canceled postage stamps issued by the United States may be in the

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